

1-1-1987

Visual Arts and the Law: A Bibliography, Part I

Gail I. Winson

Follow this and additional works at: https://repository.uchastings.edu/hastings_comm_ent_law_journal

 Part of the [Communications Law Commons](#), [Entertainment, Arts, and Sports Law Commons](#), and the [Intellectual Property Law Commons](#)

Recommended Citation

Gail I. Winson, *Visual Arts and the Law: A Bibliography, Part I*, 10 HASTINGS COMM. & ENT. L.J. 655 (1987).
Available at: https://repository.uchastings.edu/hastings_comm_ent_law_journal/vol10/iss2/10

This Note is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Communications and Entertainment Law Journal by an authorized editor of UC Hastings Scholarship Repository. For more information, please contact wangangela@uchastings.edu.

Visual Arts and the Law: A Bibliography, Part I

by GAIL I. WINSON*

Table of Contents

I. ARTICLES†.....	656
A. Aid to the Arts.....	656
B. Art as an Investment	657
C. Artists' Contracts	658
D. Artists' Rights.....	658
E. Auctions	659
F. Bibliographies	659
G. Consignment	660
H. Copyright.....	660
1. Copyright — Advertising	663
2. Copyright — Architecture	663
3. Copyright — Commercial Prints and Labels ..	664
4. Copyright — Display Right	665
5. Copyright — Fashion.....	665
6. Copyright — Museums.....	667
7. Copyright — Photography	667
8. Copyright — Useful Articles	668
9. Copyright — Works for Hire	673
I. Cultural Policy.....	674
J. Estate Planning.....	676
K. Forgeries, Fakes, and Frauds.....	677
L. Free Speech Issues	678
M. General.....	678
N. International Movement of Art	679
O. Legislation.....	687
P. Moral Rights	687
Q. Museums	692

* B.A., Moravian College, 1966; M.S., Drexel University, 1971; J.D., University of Florida, 1979; Member of the Florida Bar and the State Bar of California; Adjunct Assistant Professor of Law and Associate Law Librarian, Hastings College of the Law.

† Denotes student note.

R. Practice of Law	694
S. Prints	694
T. Resale Proceeds Right	695
U. Taxation	697
V. Theft	700
W. Valuation	701

I. ARTICLES

A. Aid to the Arts

Alpern, Wayne O. *Art and Accountability: Law of Cultural Funding in Era of Government Patronage of the Arts*. New York Law Journal, Apr. 11, 1986, at 5, col. 1.

Berkowitz, Rhoda L. *The One Percent Solution: A Legislative Response to Public Support for the Arts*. 10 University of Toledo Law Review 124-58 (1978).

†Carrasco, Enrique R. *The National Endowment for the Arts: A Search for an Equitable Grant Making Process*. 74 Georgetown Law Journal 1521-51 (1986).

Clubb, Pat. *An Analysis of the Economic Instability of Arts Organizations*. 17 The Journal of Arts Management and Law 47-74 (Spring 1987).

Cohen, Marshall, Moderator. *Panel Discussion: The Arts, The Humanities, and Their Institutions*. 9 Columbia — VLA Journal of Law & the Arts 179-214 (1985) (transcript of a panel discussion at the Symposium on the Public Benefits of the Arts and Humanities, Metropolitan Museum of Art, New York, Apr. 30 - May 1, 1984. Participants: Richard A. Wollheim, Ashton Hawkins, Philip Johnson, Milton Babbitt, Michael Walzer and William J. Bennett).

DiMaggio, Paul. *Can Culture Survive the Marketplace?* 13 The Journal of Arts Management and Law 61-87 (Spring 1983).

Katz, Jonathan. *Decentralization and the Arts: Principles, Practice, and Policy*. 13 The Journal of Arts Management and Law 109-20 (Spring 1983).

Lajeunesse, Pamela J. *Tax Incentives for Support of the Arts: In Defense of the Charitable Deduction*. 85 Dickinson Law Review 663-715 (1981) (Symposium on Law and the Arts).

- Mack, Robert. *Public Art: The Tacoma Lesson*. 39 Washington State Bar News 33-35 (Nov. 1985).
- Mulcahy, Kevin V. *The Arts and Their Economic Impact: The Value of Utility*. 16 The Journal of Arts Management and Law 33-48 (Fall 1986).
- Neil, J. Meredith. *Nonprofit Arts Institutions: Local Needs and the National Interest*. 10 Connecticut Law Review 562-76 (1978) (Symposium on Nonprofit Arts Institutions).
- †Riggio, Karen. *Mechanisms for Control and Distribution of Public Funds to the Art Community*. 85 Dickinson Law Review 629-62 (1981) (Symposium on Law and the Arts).
- Schuster, J. Mark Davidson. *The Interrelationships Between Public and Private Funding of the Arts in the United States*. 14 The Journal of Arts Management and Law 77-105 (Winter 1985).
- Schuster, J. Mark Davidson. *Issues in Supporting the Arts Through Tax Incentives*. 16 The Journal of Arts Management and Law 31-50 (Winter 1987).
- Sokolow, David Simon. *Trust for Cultural Resources Legislation: A New Funding Source for Cultural Institutions in New York*. 10 Connecticut Law Review 577-604 (1978) (Symposium on Nonprofit Arts Institutions).
- †Wagner, Susan E. *The Implications of Changing the Current Law on Charitable Deductions — Maintaining Incentives for Donating Art to Museums*. 47 Ohio State Law Journal 773-97 (1986).
- Wyszomirski, Margaret Jane. *Philanthropy, the Arts, and Public Policy*. 16 The Journal of Arts Management and Law 5-29 (Winter 1987).

Art and State

See: Aid to the Arts
Cultural Policy

B. Art as an Investment

- Baumol, William J. *Unnatural Value: Or Art Investment as Floating Crap Game*. 15 The Journal of Arts Management and Law 47-59 (Fall 1985) (paper presented at a conference entitled, "What Price Art:

Economic Imperfection in Art Market Information," held by the Graduate School of Business of New York University in the spring of 1985).

Holubowich, Alexandra. *Investing in Art: Some Traps for the Unwary*. 67 American Bar Association Journal 838-39 (1981).

Ramus, David S. *The Art Consultant and the Fiduciary*. 121 Trusts and Estates 43-47 (Jan. 1982).

C. Artists' Contracts

The Committee on Art Law of The Association of the Bar of the City of New York. *Commissioning a Work of Public Art: An Annotated Model Agreement*. 10 Columbia — VLA Journal of Law & the Arts 1-43 (1985).

Martin, Scott M. *Museum Copyright Licensing Agreements and Visual Artists*. 10 Columbia — VLA Journal of Law & the Arts 421-51 (1986).

Pollet, Sybil H. "Nothing in it for the Artist:" Estate of Friedman v. Egan. 5 Columbia — VLA Journal of Law & the Arts 27-32 (1980).

D. Artists' Rights

See also: Moral Rights

Resale Proceeds Right

† Bressler, Kenneth L. *The Right of Publicity, Section 43(a) of the Lanham Act and Copyright Preemption: Preventing the Unauthorized Commercial Exploitation of Uncopyrighted Works of Art*. 2 Cardozo Arts and Entertainment Law Journal 265-86 (1983).

Cohen, Saul. *An Artist Sells a Painting: The Courts Go Astray*. 5 University of California, Los Angeles Law Review 235-46 (1958).

Drum, David. *Artists' Rights*. 8 Los Angeles Lawyer 10-18 (July-Aug. 1985).

Jensen, Tim. *The Selling of Picasso: A Look at the Artist's Rights in Protecting the Reputation of His Name*. 6 Columbia — VLA Journal of Law & the Arts 77-79 (1981).

Karlen, Peter H. *Artists' Rights Today*. 4 California Lawyer 22-25 (March 1984).

Koegel, John B. *Memorandum of Support for S. 2796*:

Introduced in the 99th Congress by Senator Edward M. Kennedy (D. Massachusetts). 11 Columbia — VLA Journal of Law & the Arts 347-58 (1987) (text of the bill is appended).

Kury, Elizabeth Heazlett. *Protection for Creators in the United States and Abroad.* 13 Copyright Law Symposium (American Society of Composers, Authors, and Publishers) 1-32 (1964) (National First Prize, 1963 Nathan Burkan Memorial Competition).

Rodgers, Gregg. *After Sale Rights for Visual Artists.* 39 Washington State Bar News 29-31 (Nov. 1985).

Sokolow, David S. *A New Weapon for Artists' Rights: Section 439(a) [sic] of the Lanham Trademark Act.* 5 Columbia — VLA Journal of Law & the Arts 32-35 (1980).

Stroup, Richard L. *A Practical Guide to the Protection of Artists Through Copyright, Trade Secret, Patent and Trademark Law.* 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 189-225 (1980-81).

Tell, Larry. *Drawing the Line on Art: Legal Battles Rage over Public Displays.* The National Law Journal, Apr. 13, 1981, at 1, col. 1.

E. Auctions

DuBoff, Leonard D. *Auction Problems: Going, Going, Gone.* 26 Cleveland State Law Review 499-513 (1977) (Symposium on Art and Law).

Feldman, Franklin. *Commodities and Art: A Delicate Relationship.* 10 Columbia — VLA Journal of Law & the Arts 197-209 (1986) (originally published in 5 Commodities Law Letter 3-4 (Nov. 1985)).

F. Bibliographies

Berkowitz, Rhoda L. *Law and the Visual Arts: An Annotated Bibliography.* 70 Law Library Journal 5-13 (1977).

Berkowitz, Rhoda L. *Legal and Bibliographic Developments in Law and the Visual Arts: One Year Later.* 71 Law Library Journal 401-14 (1978).

Checklist of Legal and Other Aspects of Art Forgery or "The Gentle Art of Faking." 29 Record of the Associ-

ation of the Bar of the City of New York 512-17 (1974).

Jacobs, Daniel J. *Art & the Law: A Selective Bibliography*. 41 Record of the Association of the Bar of the City of New York 670-78 (1986).

Minor, Jane Chittenden. *Reference Sources for Art Law*. 3 Legal Reference Services Quarterly 53-65 (Fall 1983).

G. Consignment

Miele, Frank J. *Tension Between Trade Practices and Entrusting Rules Keep Art Dealers on Their Toes*. New York Law Journal, July 25, 1986, at 5, col. 1.

H. Copyright

Andrews, Milton D. *Copyrighting Reproductions of Physical Objects*. 12 Copyright Law Symposium (American Society of Composers, Authors, and Publishers) 122-51 (1963) (National Second Prize, 1962 Nathan Burkan Memorial Competition).

Artistic Copyright. 14 The Law Journal 110-11 (1879).

Brenner, Daniel. *A Two-Phase Approach to Copyrighting the Fine Arts*. 24 Bulletin of the Copyright Society of the U.S.A. 85-117 (1976).

Burke, Serjeant. *The Present State of the Law of Copyright in Literature and the Fine Arts with a View to Its Amendment*. 9 Upper Canada Law Journal 313-17 (1863) (a paper read at a General Meeting of the Society for Promoting the Amendment of the Law, held on Monday, June 1, 1863).

Carroll, Thomas Kennerly, Jr. *Statutory Copyright: A Valuable Right for the Visual Artist*. 20 Bulletin of the Copyright Society of the U.S.A. 316-37 (1973).

Cook, Joseph G. *The Fine Arts: What Constitutes Infringement?* 16 Alabama Law Review 41-59 (1963).

†*Copyright—Common Law Copyright—Literary Property—Artist's Loss of Reproduction Rights by Unconditional Sale of Painting*. 16 Tulane Law Review 623-25 (1942).

Copyright in Photographs. 231 The Law Times 4-5 (1961).

Copyright in Sculpture. .101 The Law Times 175-76 (1896).

Copyright of Mural Painting. 44 Law Notes 27 (1940).

Fabe, Jacqueline. *The Fine Artist's Right to the Reproductions of His Original Work.* 23 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 81-97 (1977) (National Third Prize, 1973 Nathan Burkan Memorial Competition. Edited version published in 9 Journal of the Beverly Hills Bar Association 59-67 (Aug. 1975)).

Final Report of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention. 10 Columbia — VLA Journal of Law & the Arts 513-738 (1986) (includes: "Moral Rights" (547-57); "Implementing Legislation: A Draft Discussion Bill and Commentary," by the Staff of the U.S. Copyright Office (621-37); and "Comments Submitted to Mr. Harvey Winter, Department of State, Regarding the Preliminary Report of the Ad Hoc Working Group. . . ." (639-735)).

Foreign and Native Artists. 28 The Law Journal 290-91 (1893).

†Gold, David R. *Protection of the Artist and Sculptor Under the Law of Copyrights.* 22 University of Pittsburgh Law Review 709-27 (1961).

Gottlieb, George. *Protection of Works of Art, Especially Ornamental Designs.* 2 Practical Approach to Patents, Trademarks and Copyrights 95-115 (1981).

Hartnick, Alan J. *Art Law Revisited.* 32 Journal of the Copyright Society of the U.S.A. 274-82 (1985).

†Infarinato, Joan. *Copyright Protection for Short-Lived Works of Art.* 51 Fordham Law Review 90-126 (1982).

Jonakait, Randolph. *Do Art Exhibitions Destroy Common-Law Copyright in Works of Art?* 19 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 81-116 (1971) (National Third Prize, 1969 Nathan Burkan Memorial Competition).

Koenigsberg, I. Fred. *The 1976 Copyright Act: Advances for the Creator.* 26 Cleveland State Law Review 515-28 (1977) (Symposium on Art and Law).

- Kunstadt, Robert M. *Can Copyright Law Effectively Promote Progress in the Visual Arts?* 25 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 159-90 (1980) (National Fifth Prize, 1975 Nathan Burkan Memorial Competition. Also published in 23 Bulletin of the Copyright Society of the U.S.A. 233-57 (1976)).
- MacGregor, Alexander. *Copyright in Certain Artistic Works*. 37 Canada Law Journal 490-92 (1901).
- Mandel, Reid A. *Copyrighting Art Restorations*. 28 Bulletin of the Copyright Society of the U.S.A. 273-304 (1981).
- Marshall, Walker. *Copyright in the Fine Arts*. 2 Juridical Society Papers (London) 722-34 (1863) (paper read before the Juridical Society, Apr. 20, 1863).
- Millinger, Donald M. *Copyright and the Fine Artist*. 48 George Washington Law Review 354-76 (1980).
- Oppenheimer, Gregg. *Originality in Art Reproductions: "Variations" in Search of a Theme*. 27 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 207-44 (1982) (National Fifth Prize Tie, 1977 Nathan Burkan Memorial Competition. Also published in 26 Bulletin of the Copyright Society of the U.S.A. 1-31 (1978)).
- †Patton, Susan Hedges. *Courting the Artist with Copyright: The 1976 Copyright Act*. 24 Wayne Law Review 1685-1704 (1978) (this Note received the first prize in the 1978 Nathan Burkan Memorial Competition at Wayne State University).
- †Romm, Jacquelyn. *The Fine Art of Preemption: Section 301 and the Copyright Act of 1976*. 60 Oregon Law Review 287-307 (1981).
- Rubinstein, Stanley. "No Photographs." 8 Bulletin of the Copyright Society of the U.S.A. 363-67 (1961).
- Schilit, Lisa. *A Look at the Copyright Revision Act Through the Eyes of the Art Collector*. 6 Columbia — VLA Journal of Law & the Arts 31-36 (1981) (this article won first prize in the 1980 Nathan Burkan Memorial Competition at Columbia Law School).
- Sheehan, Timothy M. *Why Don't Fine Artists Use Statutory Copyright? An Empirical and Legal Sur-*

vey. 24 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 157-200 (1980) (National Fifth Prize, 1974 Nathan Burkan Memorial Competition. Also published in 22 Bulletin of the Copyright Society of the U.S.A. 242-78 (1975)).

†Sneirson, William B. *Some Copyright Aspects of New Art: Pop Goes the Easel*. 10 Boston College Industrial and Commercial Law Review 993-1004 (1969).

Strasburger, Alison. *Copyright Notice Placement for the Visual Artist*. 7 Columbia — VLA Journal of Law & the Arts 281-92 (1982).

Wehringer, Cameron Kingsley. *Copyrights, the Artist, and Filing Delay*. 44 Journal of the Patent Office Society 436-43 (1962).

†Weissman, Steven J. *Can an Artist's Copyright Be Jeopardized? An Analysis of Current Marketing Practices in the Sale of Art Works*. 6 Columbia — VLA Journal of Law & the Arts 66-69 (1981).

1. Copyright — Advertising

Colsey, William B., III. *The Protection of Advertising and the Law of Copyright*. 11 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 28-59 (1962) (National First Prize, 1960 Nathan Burkan Memorial Competition).

Freeland, Joseph S. *Copyright Protection of Advertising*. 27 Kentucky Law Journal 391-409 (1939).

Kendall, Robert and Dana Scott Eagles. *Copyright Law and The Advertising Arts*. 20 Publishing, Entertainment, Advertising and Allied Fields Law Quarterly 165-85 (1981).

2. Copyright — Architecture

Architect's Copyright. 202 Law Times 328-29 (1946).

†Bacon, Judd L. *Literary and Artistic Property — Common-Law Copyright — Filing of Architectural Plans in a Public Office as Publication*. 59 Michigan Law Review 133-36 (1960).

Copyright — Protection of Architect's Plans and Architectural Works. 42 Columbia Law Review 290-95 (1942).

†*Copyrights — Subjects — Compulsory Filing and Construction of Building from Plans Not Dives-tive of Common-Law Copyright in Plans — Smith v. Paul.* 73 Harvard Law Review 1391-93 (1960).

†Gisla, John F. *Copyright Protection for Architec-tural Structures.* 2 University of San Francisco Law Review 320-28 (1968).

†Horsley, W. F. *Architectural Plans: Loss of Com-mon-Law Copyright.* 16 Alabama Law Review 451-60 (1964).

Katz, Arthur S. *Copyright Protection of Architec-tural Plans, Drawings, and Designs.* 19 Law and Contemporary Problems 224-53 (1954) (Sym-po-sium on Literary and Artistic Products and Copy-right Problems).

†Leonard, Brian Edmund. *Copyright Protection for the Architect: Leaks in a Legal Lean-To.* 8 Cali-fornia Western Law Review 458-87 (1972).

Martin, J. T. *Copyright Protection for Architects' Plans and Drawings.* 11 Law Notes for the Gen-eral Practitioner (American Bar Association) 55-56 (1975).

Phelan, Andrew. *Copyright and the Architect.* 109 The Law Journal 118-19 (1959).

3. Copyright — Commercial Prints and Labels

Derenberg, Walter J. *Commercial Prints and La-bels: A Hybrid in Copyright Law.* 49 Yale Law Journal 1212-36 (1940).

Howell, Herbert A. *The Print and Label Law.* 70 University of Pennsylvania Law Review 95-100 (1922).

Kupferman, Theodore R. *Copyright Protection for Commercial Prints and Labels.* 7 Bulletin of the Copyright Society of the U.S.A. 16-24 (1959) (pa-per delivered at the Ninth Annual Symposium on Copyright of the Patent, Trademark and

Copyright Section of the American Bar Association, held at the Annual Meeting of the Section in Miami, Aug. 22-28, 1959. Also published in 33 Southern California Law Review 163-70 (1960)).

Lusser, René E. *Commercial Labels: Copyright vs. Trademark Protection*. 7 St. Louis University Law Journal 276-91 (1963) (prize winning paper in the 1962 Nathan Burkan Memorial Competition at St. Louis University School of Law).

Pattishall, Beverly W. *Protection of Labels through Copyright Infringement and Unfair Competition Laws*. 56 Trademark Reporter 408-20 (1966).

Pestel, Arthur. *The Protection of a Label or Print*. 17 Journal of the Patent Office Society 534-38 (1935).

Symons, William L. *Copyright of Prints and Labels*. 15 Journal of the Patent Office Society 162-77 (1933).

4. Copyright — Display Right

Goetzl, Thomas M. and Stuart A. Sutton. *Copyright and the Visual Artist's Display Right: A New Doctrinal Analysis*. 9 Columbia — VLA Journal of Law & the Arts 15-56 (1984).

5. Copyright — Fashion

†Barker, Frank E. *Design Piracy Problems: The Libonati Bill*. 33 University of Cincinnati Law Review 382-401 (1964).

Callmann, Rudolf. *Style and Design Piracy*. 22 Journal of the Patent Office Society 557-86 (1940).

†*Copyright — Design Copyrights — Requirement of Notice*. 36 New York University Law Review 745-52 (1961).

†*Copyright in Dress Designs*. 81 The Law Journal 126-27 (1936).

†*Copyrights — Common Law Property Right in Dress Designs*. 27 Virginia Law Review 230-31 (1940).

†*Copyrights — In General — Broad Copyright Protection Available for Textile Designs Despite Ab-*

sence of Notice of Copyright From Finished Dresses — Peter Pan Fabrics, Inc. v. Martin Weiner Corp. (2d Cir. 1960). 73 Harvard Law Review 1613-16 (1960).

Dulin, Jacques M. *Design Protection: Walking the Pirate Plank?* 12 Bulletin of the Copyright Society of the U.S.A. 321-70 (1965) (revised and updated version of a paper submitted in the Nathan Burkan Memorial Competition as first prize winner from The George Washington University Law School, 1964).

Ehrlich, Thomas. *Copyright of Textile Designs — Clarity and Confusion in the Second Circuit*. 59 Michigan Law Review 1043-52 (1961) (reprinted in 3 Publishing, Entertainment, Advertising and Allied Fields Law Quarterly 187-98 (1963)).

Helfat, Bernard A. *Copyright Protection for Fashions*. 3 Publishing, Entertainment, Advertising and Allied Fields Law Quarterly 173-86 (1963).

Hugin, Adolph C. *Copyrighting Works of Art*. 31 Journal of the Patent Office Society 710-13 (1949).

†Kavadas, Thomas, Jr. *Copyright — Dress Designs — Design Printed on Dress Fabric Is Proper Subject of Copyright*. 34 Notre Dame Lawyer 457-60 (1959).

†Landsberg, Brian K. *Copyrights — Notice of Copyright on Textiles* — Peter Pan Fabrics, Inc. v. Martin Weiner Corp. (2d Cir. 1960). 49 California Law Review 558-61 (1961).

†*Protection of Intellectual Property*. 35 Illinois Law Review of Northwestern University 546-65 (1941).

†Sullivan, William P. *Copyright Protection of Original Designs — Absence of Statutory Notice* — Peter Pan Fabrics, Inc. v. Martin Weiner Corp. 2 Boston College Industrial and Commercial Law Review 153-57 (1960).

Wehringer, Cameron K. *Dress Designs: Time Protection and Copyrights*. 40 Journal of the Patent Office Society 816-28 (1958).

Weikart, Maurice A. *Design Piracy*. 19 Indiana Law Journal 235-57 (1944).

Young, Stuart Jay. *Freebooters in Fashions: The Need for a Copyright in Textile and Garment Designs*. 9 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 76-110 (1958).

6. Copyright — Museums

Berkowitz, Rhoda L. and Marshall Leaffer. *Copyright and the Art Museum*. 8 Columbia — VLA Journal of Law & the Arts 249-316 (1984).

Ward, Nicholas D. *Copyright in Museum Collections: An Overview of Some of the Problems*. 7 Journal of College and University Law 297-320 (1980-81).

Weber-Karlitz, Dorothy. *Museums, Artists and Copyright*. 2 Cardozo Arts and Entertainment Law Journal 121-44 (1983) ("This survey was presented in October of 1982 at a conference of the Confederation Internationale Des Sociétés D'Auteurs Et Compositeurs held in Madrid, Spain.").

7. Copyright — Photography

†Brauchli, C. R. *Copyright Protection for Pictures*. 33 Rocky Mountain Law Review 58-69 (1960).

†*Copyright — Infringement — Aerial Trespass as Defense*. 7 Air Law Review 319-20 (1936).

†*Copyright in Photographs*. 167 The Law Times 258 (1929).

Copyright in Photographs. 167 The Law Times 302-03 (1929).

Copyright in Photographs. 33 Law Notes 48-50 (1929).

Copyright in Photographs. 17 Irish Law Times and Solicitors' Journal 613-14 (1883) (reprinted in Chicago Legal News, Apr. 19, 1884, at 256, col. 2).

Copyright in Photographs. 14 The Law Journal 649-51 (1879).

The Copyright in Presentation Copies of Photographs. 60 The Law Journal 677-78 (1925).

Forbes, J. Wright. *Copyright in Photographs*. 8 Scots Law Times 94-95 (1900).

†Packard, Russell. *Violation of Air Commerce Regulations as Defense to Infringement Action — Application of Federal Air Traffic Rules to Intra-state Flight*. 8 Journal of Air Law and Commerce 498-501 (1937).

Phelan, Andres. *Copyright and the Photographer*. 110 The Law Journal 841-42 (1960).

Photographic Copyright. 23 Irish Law Times 3-4 (1889).

Whicher, John F. *The Case of the Horror Monsters: Art as Law, Art as Fact*. 9 Bulletin of the Copyright Society of the U.S.A. 472-81 (1962).

8. Copyright — Useful Articles

Bernini, Giorgio. *Protection of Designs: United States and French Law*. 1 American Journal of Comparative Law 133-37 (1952).

Bogsch, Arpad. *Diplomatic Conference on the International Deposit of Industrial Designs*. 8 Bulletin of the Copyright Society of the U.S.A. 156-77 (1961).

†Casser, Donald G. *Trade Regulation: Legal Protection of Commercial Design*. 1959 Wisconsin Law Review 652-66 (1959).

Conference of Experts Preparatory to the Revision of the Hague Arrangement on the International Registration of Designs. 7 Bulletin of the Copyright Society of the U.S.A. 82-94 (1959).

†*Copyright — Eligibility — Utilitarian Use of a Work of Art as Affecting*. 37 Minnesota Law Review 212-15 (1953).

†*Copyright — Relation between Design Patent and Copyright — Scope of Copyright Protection — Mazer v. Stein*, 74 Sup. Ct. 460 (1954). 39 Cornell Law Quarterly 725-36 (1954).

Copyright in Designs. 22 The Law Journal 544-45 (1887).

Copyrighting Works of Artistic Craftsmanship Embodied in Articles of Practical Use. 27 Indiana Law Journal 130-36 (1951).

†*Copyrights — Copyright of Patentable Designs — Infringement of Copyright by Manufacture in Another Medium.* 6 George Washington Law Review 135-37 (1937).

Copyrights — Statuettes Intended for Commercial Use Copyrightable — Decision of United States Supreme Court — Mazer et al., Doing Business as June Lamp Manufacturing Company v. Stein et al., Doing Business as Regulator of California. 52 Patent and Trademark Review 183-92 (1954).

†*Copyrights — Overlapping of Copyright Law and Design Patent Law — Patentability Not a Bar to Copyright Protection.* 22 George Washington Law Review 764-66 (1954).

Crew, Michael. *Undesirable in Theory, Absurd in Practice: The Protection of Industrial Designs in England and New Zealand.* 2(4)Auckland University Law Review 1-22 (1975).

Crowley, Richard P. *The Register of Copyrights as an Art Critic.* 11 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 155-70 (1960).

Dalsimer, Philip. *New Concepts of Design Protection.* 8 The Patent, Trademark, and Copyright Journal on Research and Education 168-76 (1964) (address delivered at the Eighth Annual Public Conference of The PTC Research Institute, The George Washington University, Washington, D.C. Special Conference issue).

Denicola, Robert C. *Applied Art and Industrial Design: A Suggested Approach to Copyright in Useful Articles.* 67 Minnesota Law Review 707-48 (1983) (also published in 16 Intellectual Property Law Review 473-514 (1984)).

†Dollahite, M. Keith. *Copyrighting Three-Dimensional Objects: Norris Industries v. International Telephone and Telegraph Corporation.* 35 Baylor Law Review 821-36 (1983).

- Dulin, Jacques M. *Statutory Design-Rights: Solution to the Unfair Competition of Piracy*. 34 George Washington Law Review 110-33 (1965) (reprinted in part in 56 Trademark Reporter 158-76 (1966)).
- Finniss, G. *The Theory of "Unity of Art" and the Protection of Designs and Models in French Law*. 46 Journal of the Patent Office Society 615-45 (1964).
- †Flugge, Valerie V. *Works of Applied Art: An Expansion of Copyright Protection*. 56 Southern California Law Review 241-60 (1982).
- Fox, Harold G. *Copyright and Industrial Designs in Canada*. 5 Bulletin of the Copyright Society of the U.S.A. 117-38 (1958).
- †Gastel, Joseph P. *Copyrights — A Statuette Can Be Protected by Copyright in the United States When the Copyright Applicant Intended Primarily to Use the Statuettes in the Form of Lamp Bases to Be Made and Sold in Quantity and Carried These Intentions into Effect*. 42 Georgetown Law Journal 548-52 (1954).
- Hauhart, Robert C. *The Eternal Wavering Line: The Continuing Saga of Mazer v. Stein*. 6 Hamline Law Review 95-127 (1983).
- Immermann, Milton. *Proposed Protection for Industrial Designs*. 7 Bulletin of the Copyright Society of the U.S.A. 38-41 (1959) (paper delivered at the Ninth Annual Symposium on Copyright of the Patent, Trademark and Copyright Section of the American Bar Association, held at the Annual Meeting of the Section in Miami, Florida, Aug. 22-28, 1959).
- †Kelley, David P. *Design Patents and Copyrights: The Scope of Protection*. 21 George Washington Law Review 353-67 (1953).
- Ladas, Stephen P. *Belgian Courts Deny Industrial Design Protection under International Convention for the Protection of Industrial Property*. 45 Trademark Reporter 503-11 (1955).

- Lahore, J. C. *Art and Function in the Law of Copyright and Designs*. 4 *Adelaide Law Review* 182-209 (1971).
- Lahore, J. C. *Industrial Designs and The Copyright Act 1968: The Problem of Dual Protection*. 43 *Australian Law Journal* 139-48 (1969).
- Langsam, Harry. *Copyright or Design Patent Protection?* 20 *Journal of the Patent Office Society* 528-37 (1938).
- Latman, Alan. *Fifteen Years after Mazer v. Stein: A Brief Perspective*. 3 *Journal of the Beverly Hills Bar Association* 23-27 (Oct. 1969) (also published in 16 *Bulletin of the Copyright Society of the U.S.A.* 278-85 (1969)).
- Latman, Alan. *A Proposal for Effective Design Legislation: S. 2075 Examined*. 6 *Bulletin of the Copyright Society of the U.S.A.* 279-86 (1959).
- Latman, Alan. *The Status and Impact of Design Piracy*. 2 *Patent, Trademark, and Copyright Journal of Research and Education* 286-88 (1958).
- Lutz, Karl B. *Can Ornamental Designs for Useful Articles Be Protected by Copyright?* 2 *Patent, Trademark, and Copyright Journal of Research and Education* 289-302 (1958).
- Mayers, Harry R. *Proposed Legislation for the Protection of Ornamental Design*. 7 *Bulletin of the Copyright Society of the U.S.A.* 32-38 (1959) (paper delivered at the Ninth Annual Symposium on Copyright of the Patent, Trademark and Copyright Section of the American Bar Association, held at the Annual Meeting of the Section in Miami, Florida, Aug. 22-28, 1959).
- Milch, Neal. *Protection for Utilitarian Works of Art: The Design Patent/Copyright Conundrum*. 10 *Columbia — VLA Journal of Law & the Arts* 211-44 (1986).
- Miles, James W. *International Aspects in Regard to the Protection of Industrial Designs*. 8 *Bulletin of the Copyright Society of the U.S.A.* 149-55 (1961).
- Moellenberg, John M. *The Question of Choice between Copyrighting or Patenting a Design*. 13

Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 165-79 (1964).

Moon, K. R. *Copyright in Artistic Works: The Extension to Mechanical Design*. 1979 New Zealand Law Journal 282-88 (1979).

Moon, K. R. *A Functional View of Copyright Designs and Patents*. 8 Victoria University of Wellington Law Review 300-17 (1976).

Mott, Kelsey M. *An Analysis of the "Unity of Art" Concept in European Legal Systems*. 11 Bulletin of the Copyright Society of the U.S.A. 242-61 (1964).

Nimetz, Matthew. *Design Protection*. 15 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 79-133 (1967) (National Second Prize, 1965 Nathan Burkan Memorial Competition).

Paul, Joan. *Functional Works of Art: Copyright, Design Patent, or Both?* 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 83-116 (1980).

Pogue, Richard W. *Borderland — Where Copyright and Design Patent Meet*. 52 Michigan Law Review 33-70 (1953).

Present Design Protection in the United States. 5 Bulletin of the Copyright Society of the U.S.A. 139-41 (1958).

†*Protecting the Artistic Aspects of Articles of Utility: Copyright or Design Patent?* 66 Harvard Law Review 877-86 (1953).

†*Protection for the Artistic Aspects of Articles of Utility*. 72 Harvard Law Review 1520-36 (1959).

Reichman, J. H. *Design Protection After the Copyright Act of 1976: A Comparative View of the Emerging Interim Models*. 31 Journal of the Copyright Society of the U.S.A. 267-86 (1984).

Reichman, J. H. *Design Protection in Domestic and Foreign Copyright Law: From the Berne Revision*

of 1948 to the Copyright Act of 1976. 1983 Duke Law Journal 1143-64 (1983).

Ringer, Barbara A. *The Case for Design Protection and the O'Mahoney Bill.* 7 Bulletin of the Copyright Society of the U.S.A. 25-32 (1959) (paper delivered at the Ninth Annual Symposium on Copyright of the Patent, Trademark and Copyright Section of the American Bar Association, held at the Annual Meeting of the Section in Miami, Florida, Aug. 22-28, 1959)).

†Serino, Rosemarie. *Copyrights — Constitutional Law.* 4 Catholic University of America Law Review 130-33 (1954).

Sharpe, Albert P. III. *Copyrights and Design Patents — The Common Zone Between.* 11 Cleveland-Marshall Law Review 336-62 (1962).

Silverman, Arnold B. *The Scope of Protection of Copyrights and Design Patents in the United States.* 24 University of Pittsburgh Law Review 21-57 (1962).

Sokolski, Edward A. *Is Our Design Patent Statute Adequate?* 42 Journal of the Patent Office Society 496-505 (1960).

†Solum, Conrad R., Jr. *Design Patents and Copyrights: The Present Inadequate State of the Law.* 32 Southern California Law Review 188-98 (1959).

†Sylvester, Brett S. *The Future of Design Protection in the United States: An Analysis of the Proposed Domestic System in View of Recent Developments in the United Kingdom, New Zealand, and Australia.* 20 John Marshall Law Review 261-305 (1986).

The Vestal Bill for the Copyright Registration of Designs. 31 Columbia Law Review 477-94 (1931).

9. Copyright — Works for Hire

Fitzgibbon, James T. and C. Michael Kendall. *The Unicorn in the Courtroom: The Concept of "Supervising and Directing" an Artistic Creation Is a Mythical Beast in the Copyright Law.* 15 Jour-

nal of Arts Management and Law 23-43 (Fall 1985).

O'Meara, William. "*Works Made for Hire*" Under the Copyright Act of 1976 — Two Interpretations. 15 Journal of Arts Management and Law 5-22 (Fall 1985).

Ossola, Charles D. *Work for Hire: A Judicial Quagmire and a Legislative Solution*. 17 Journal of Arts Management and Law 23-63 (Fall 1987).

Sadler, Walter R. *Copyright Ownership in Commissioned Artworks: A Copyright Whodunnit*. 16 Intellectual Property Law Review 427-45 (1984) (reprinted from 15 University of California, Davis Law Review 703-21 (1981)).

†Stewart, Johanna Fisher. *The Freelancer's Trap: Work for Hire Under the Copyright Act of 1976*. 86 West Virginia Law Review 1305-39 (1984).

I. Cultural Policy

See also: Aid to the Arts

Applebaum, Louis. *A Cultural Policy Review: The Canadian Experience*. 13 Journal of Arts Management and Law 216-23 (Spring 1983).

Balfe, Judith H. and Margaret J. Wyszomirski. *Public Art and Public Policy*. 15 Journal of Arts Management and Law 5-29 (Winter 1986).

Berman, Shoshana. *Antiquities in Israel in a Maze of Controversy*. 19 Case Western Reserve Journal of International Law 343-60 (1987).

Echo-Hawk, Walter R. *Museum Rights vs. Indian Rights: Guidelines for Assessing Competing Legal Interests in Native Cultural Resources*. 14 New York University Review of Law and Social Change 437-53 (1986).

Glasier, George E. *Cultural Resource Preservation: A Consideration Before Mineral Development*. 28 Rocky Mountain Mineral Law Institute Proceedings 635-70 (1982) (reviews all federal legislation on the subject of preservation of cultural, historical, archaeological, and paleontological resources).

Keller, Anthony. *The Artist and Public Policy I: An In-*

- terview with Douglas Davis*. 13 *Journal of Arts Management and Law* 129-37 (Spring 1983).
- Keller, Anthony. *The Artist and Public Policy II: An Interview with Laurie Anderson*. 13 *Journal of Arts Management and Law* 138-48 (Spring 1983).
- Keller, Anthony. *Proposal: A Community of Interest*. 13 *Journal of Arts Management and Law* 249-60 (Spring 1983).
- †Kemrer, Sandra. *The Protection of American Antiquities: 1906-1981*. 21 *Natural Resources Journal* 935-42 (1981).
- Lowry, W. McNeil. *Tradition and Evolution in Public Arts Policy*. 13 *Journal of Arts Management and Law* 17-23 (Spring 1983).
- Moore, Kate L. *Seeking Clarity at the National Endowment for the Arts*. 13 *Journal of Arts Management and Law* 93-99 (Spring 1983).
- Price, Monroe E. *State Arts Councils: Some Items for a New Agenda*. 27 *Hastings Law Journal* 1183-1205 (1976) (Symposium on Art and the Law).
- †*Protecting the Public Interest in Art*. 91 *Yale Law Journal* 121-43 (1981) (discusses question of whether owner of art work has duty to protect it from destruction, defacement, or mutilation).
- Rosenberg, Ronald H. *Archaeological Resource Preservation: The Role of State and Local Government*. 4 *Utah Law Review* 755-802 (1981).
- Sansone, Marleen. *Policy and Politics*. 13 *Journal of Arts Management and Law* 88-92 (Spring 1983).
- Smith, Virginia, Moderator. *Panel Discussion: Public Support for the Arts*. 9 *Columbia — VLA Journal of Law & the Arts* 214-50 (1985) (transcript of a panel discussion held at the Symposium on the Public Benefits of the Arts and Humanities, Metropolitan Museum of Art, New York, Apr. 30-May 1, 1984. Participants: William J. Baumol, John Simon, Thomas Nagel, Thomas Janklow, and Geoffrey Hazard).
- Stenberg, Erik. *Artistic Freedom and Government Subsidy: Performing Arts Institutions in the United*

States and West Germany. 6 *Hastings International and Comparative Law Review* 803-27 (1983).

Stephens, Suzanne. *Trust for Cultural Resources Legislation: Implications for Urban Design*. 10 *Connecticut Law Review* 605-19 (1978) (Symposium on Nonprofit Arts Institutions).

Stover, Carl F. *A Public Interest in Art — Its Recognition and Stewardship*. 14 *Journal of Arts Management and Law* 5-12 (Fall 1984).

Thomson, Judith, Moderator. *Panel Discussion: Art as a Public Good*. 9 *Columbia — VLA Journal of Law & the Arts* 143-78 (1985) (transcript of a panel discussion at the Symposium on the Public Benefits of the Arts and Humanities, Metropolitan Museum of Art, New York, Apr. 30 - May 1, 1984. Participants: Ronald Dworkin, Frank Michelman, Robert Nozick, and Thomas Scanlon).

Design Protection

See: Copyright—Fashion

Copyright—Useful Articles

Droit de Suite

See: Resale Proceeds Right

J. Estate Planning

Echter, Martin S. *Equitable Treatment for The Artist's Estate*. 114 *Trusts and Estates* 394-97 (1975).

Feldman, Franklin. *The Rothko Estate: The Case of the Beleaguered Executor*. 115 *Trusts and Estates* 234 (1976).

Harrow, Gustave. *Reflections on Estate of Rothko: The Role of the Legal Advisor in Relation to the Artist*. 26 *Cleveland State Law Review* 573-86 (1977) (Symposium on Art and Law).

Hildesley, C. Hugh and Mitchell Zuckerman. *Appraising Tangible Assets: With Values Exploding Estate Planners Should Have Appraisals Updated*. *National Law Journal*, May 25, 1981, at 21, col. 4.

Lerner, Ralph E. *The Taxation of Transfers of Works of Art*. *New York Law Journal*, July 5, 1985, at 4, col. 1.

Lerner, Ralph E. *Valuation Issues Predominate When*

Clients Want to Keep Collections in the Family. 11 Estate Planning 90-94 (1984).

Midonick, Millard L. *Artists and Authors — Estate Planning and Administration.* 14 Real Property Probate and Trust Journal 45-62 (1979) (transcript of a panel presented at the Annual Meeting of the Section of Real Property, Probate and Trust Law, Aug. 8, 1978. Chaired by The Honorable Millard L. Midonick, and Norman E. Donoghue II of the law firm of Dechert Price & Rhoads of Philadelphia. Discusses the planning of estates of visual artists, such as painters, sculptors and print makers).

Vencel, Marilyn and Robert Whitman. *Giving Art to Museums: Special Considerations for the Estate Planner.* 122 Trusts and Estates 35-42 (1983).

K. Forgeries, Fakes, and Frauds

Bauman, Lawrence Scott. *Legal Control of the Fabrication and Marketing of Fake Paintings.* 24 Stanford Law Review 930-46 (1972).

Crystal-Kirk, David. *Forgery Reforged: Art-Faking and Commercial Passing-Off Since 1981.* 49 Modern Law Review 608-16 (1986).

DuBoff, Leonard D. *Bronze Sculptures: Casting Around for Protection.* 3 Cardozo Art and Entertainment Law Journal 235-88 (1984).

DuBoff, Leonard D. *Controlling the Artful Con: Authentication and Regulation.* 27 Hastings Law Journal 973-1021 (1976) (Symposium on Art and the Law).

Elsen, Albert E., with John Henry Merryman. *Legal and Illegal Counterfeiting of Art in America.* 1983 Quaderni di Scienze Criminale 53-92 (1983) (title of issue: The Penal Protection of Works of Art).

Hodes, Scott. *Wanted: Art Legislation for Illinois.* 57 Illinois Bar Journal 218-22 (1968).

Houseman, Lee Ann. *Current Practices and Problems in Combatting Illegality in the Art Market.* 12 Seton Hall Law Review 506-67 (1982).

Karlen, Peter H. *Fakes, Forgeries, and Expert Opin-*

ions. 16 *Journal of Arts Management and Law* 5-32 (Fall 1986).

Lane, Alvin S. *How the Bar Can Assist the Art Community*. 20 *Record of the Association of the Bar of the City of New York* 615-28 (1965).

Skolnik, Peter Barry. *Art Forgery: The Art Market and Legal Considerations*. 7 *Nova Law Journal* 315-52 (1983).

†*Title Disputes in the Art Market: An Emerging Duty of Care for Art Merchants*. 51 *George Washington Law Review* 443-64 (1983).

L. Free Speech Issues

Cohen, Laura. *Beyond Silberman v. Georges: Shielding the Artist from Claims of Libel*. 17 *Columbia Human Rights Law Review* 235-55 (1986).

Dorsen, Harriette K. and Colleen McMahon. *Art as Libel: A Comment on Silberman v. Georges*. 9 *Columbia — VLA Journal of Law & the Arts* 1-13 (1984).

Forkosch, Morris D. *Obscenity, Copyright, and the Arts*. 10 *New England Law Review* 1-24 (1974).

†Krieg, Patricia. *Copyright, Free Speech, and the Visual Arts*. 93 *Yale Law Journal* 1565-85 (1984) (reprinted in 15 *Journal of Arts Management and Law* 59-81 (Winter 1986)).

McCloskey, Margaret E. *Suing the Artist for Libel — The Pendulum Swings Back*. 71 *Illinois Bar Journal* 124-30 (1982).

M. General

Curtis, Dennis E., and Judith Resnik. *Images of Justice*. 96 *Yale Law Journal* 1727-72 (1987).

DuBoff, Leonard D. *Art Law, a Creative Union*. 34 *North Carolina State Bar Quarterly* 12-18 (1987).

Fishman, James J. *The Emergence of Art Law*. 26 *Cleveland State Law Review* 481-97 (1977) (Symposium on Art and Law).

Jeffri, Joan, Joseph Hosie and Robert Greenblatt. *The Artist Alone: Work-Related, Human, and Social Service Needs — Selected Findings*. 17 *Journal of Arts Management and Law* 5 (Fall 1987).

Karlan, P. H. *What Is Art?: A Sketch for a Legal Definition*. 94 *Law Quarterly Review* 383-407 (1978).

Karlen, Peter. *Artist-Collector Relations*. 17 *California Western International Law Journal* 272-79 (1987) (Conference on the Law and the Arts).

Merryman, John Henry. *A Course in Art and the Law*. 26 *Journal of Legal Education* 551-56 (1974).

Merryman, John Henry. *Keynote Address: Visual Arts Law*. 17 *California Western International Law Journal* 266-71 (1987) (Conference on the Law and the Arts).

Nafziger, James A. R. *The Final Act of the Helsinki Conference: An Artists' Liberation Movement or a Voyage to Laputa?* 26 *Cleveland State Law Review* 561-72 (1977) (Symposium on Art and Law).

Truax, Sara Lloyd. *Conference on the Law and the Arts: Introduction*. 17 *California Western International Law Journal* 239-49 (1987).

Weil, Stephen E. *Some Thoughts on "Art Law": Introduction*. 85 *Dickinson Law Review* 555-63 (1981) (Symposium on Law and the Arts).

N. International Movement of Art

†Abramson, Ronald D. and Stephen B. Huttler. *The Legal Response to the Illicit Movement of Cultural Property*. 5 *Law and Policy in International Business* 932-70 (1973) (foreword by William D. Rogers at 932-33).

Altes, Alexander Korthals. *Submarine Antiquities: A Legal Labyrinth*. 4 *Syracuse Journal of International Law & Commerce* 77-96 (1976) (Symposium on Legal Aspects of the International Traffic in Stolen Art).

†Antonio, Leah K. *The Current Status of the International Art Trade*. 10 *Suffolk Transnational Law Journal* 51-86 (1986).

Bassiouni, M. Cherif. *Reflections on Criminal Jurisdiction in International Protection of Cultural Property*. 10 *Syracuse Journal of International Law and Commerce* 281-322 (1983) (Symposium on Jurisdictional Issues in the International Movement of Cultural Property).

- Bator, Paul M. *An Essay on the International Trade in Art*. 34 Stanford Law Review 275-384 (1982).
- Bator, Paul M. *The Conception of the National Artistic Patrimony and Its Protection by National and International Rules Regarding the Illicit Trade in Art*. 1983 Quaderni di Scienze Criminale 135-50 (1983) (title of issue: The Penal Protection of Works of Art).
- Bennett, G. J. and C. M. Brand. *Conservation, Control and Heritage — Public Law and Portable Antiquities*. 12 Anglo-American Law Review 141-73 (1983).
- Bentil, J. Kodwo. *Freedom of Trade in Cultural Goods in the EEC*. 125 Solicitor's Journal 770-72 (1981).
- †Blass, Michael S. *Legal Restrictions on American Access to Foreign Cultural Property*. 46 Fordham Law Review 1177-1204 (1978).
- Blaustein, Joette Milians. *Why Is This Sale Different From All Other Sales?* *Abrams v. Sotheby Parke Bernet, Inc.*. 4 Cardozo Art and Entertainment Law Journal 139-68 (1985).
- Bleich, J. David. *The Controversy Concerning the Sotheby Sale*. 8 Cardozo Law Review 91-134 (1986).
- Bolla, Gerard. *Symposium on International Art Law: Keynote Address*. 15 New York University Journal of International Law and Politics 765-70 (1983).
- Clark, Ian Christie. *The Cultural Property Export and Import Act of Canada; Legislation to Encourage National Cooperation*. 15 New York University Journal of International Law and Politics 771-87 (1983) (Symposium on International Art Law).
- †Colley, Mary. *The Effect of Efforts to Control Illicit Art Traffic on Legitimate International Commerce in Art*. 8 Georgia Journal of International and Comparative Law 462-81 (1978).
- Davis, Angela Joy. *Beyond Repatriation: A Proposal for the Equitable Restitution of Cultural Property*. 33 University of California, Los Angeles Law Review 642-63 (1985).
- DuBoff, Leonard D. *Changing Art Customs: Removing the Tariff Barriers*. 10 Columbia — VLA Journal of Law and the Arts 45-72 (1985).

- †Edelson, Stephanie D. *Concerted International Effort in the Trade of Cultural Property*. 16 *Law and Policy in International Business* 1249-73 (1984).
- Fishman, James J. and Susan Metzger. *Protecting America's Cultural and Historical Patrimony*. 4 *Syracuse Journal of International Law and Commerce* 57-76 (1976) (Symposium on Legal Aspects of the International Traffic in Stolen Art).
- Fitzpatrick, James F. *A Wayward Course: The Lawless Customs Policy Toward Cultural Properties*. 15 *New York University Journal International Law and Politics* 857-94 (1983) (Symposium on International Art Law).
- Gechman, Judy. *Rescuing Cultural Treasures: The Need for an Incentive Generating Doctrine*. 24 *Houston Law Review* 577-603 (1987).
- †González, Marlene Alva. *New Legal Tools to Curb the Illicit Traffic in Pre-Columbian Antiquities*. 12 *Columbia Journal of Transnational Law* 316-41 (1973).
- Graham, Gael M. *Protection and Reversion of Cultural Property: Issues of Definition and Justification*. 21 *International Lawyer* 755-93 (1987).
- †Gutchen, Mark A. *The Maya Crisis and the Law: Current United States Legal Practice and the International Law of the Maya Antiquities Trade*. 1 *Arizona Journal of International and Comparative Law* 283-309 (1982).
- Intellectual Reciprocity and Cultural Imperialism: Art Treasures — Media — Data Transfer*. 68 *American Society of International Law Proceedings* 117-37 (1974) (panel convened at the 68th Annual Meeting held in Washington, D.C., Apr. 25, 1974, John Lawrence Hargrove, presiding. Addresses: "Protection of National Treasures," by Ignacio Bernal; "Polish Art Treasures in Canada — 1940-1960: A Case History," by J. G. Castel; and "The Transnational Flow of Information: A Canadian Perspective," by Allan E. Gotlieb. Comments by Brian Flemming, James A. R. Nafziger, Robert J. O'Connell, Harry R. Olsson, Jr., and William D. Rogers).
- †Jore, Karen S. *The Illicit Movement of Art and Arti-*

- fact: How Long Will the Art Market Continue to Benefit from Ineffective Laws Governing Cultural Property?* 13 Brooklyn Journal of International Law 55-81 (1987).
- Kaplan, William. *Assistance under the 1970 UNESCO Cultural Property Convention: Canada's Request to the United States*. 22 Stanford Journal of International Law 123-52 (1986).
- †Leigh, Monroe. *Cultural Property — Territorial Theory of Sovereignty — Seizure as a Prerequisite to Forfeiture — Unenforceability of Foreign Public Laws*. 77 American Journal of International Law 631-34 (1983).
- †Marchisotto, Alan. *The Protection of Art in Transnational Law*. 7 Vanderbilt Journal of Transnational Law 690-724 (1974).
- McAlee, James R. *From the Boston Raphael to Peruvian Pots: Limitations on the Importation of Art into the United States*. 85 Dickinson Law Review 565-605 (1981) (Symposium Issue on Law and the Arts).
- McAlee, James R. *The McClain Case, Customs, and Congress*. 15 New York University Journal of International Law and Politics 813-38 (1983) (Symposium on International Art Law).
- McNutt, Scott H. and Antonio Salazar Hobson. *The UNESCO Convention on Cultural Property: Overdue for Implementation*. 15 University of California, Davis Law Review 1067-92 (1982).
- Merryman, John, with Albert E. Elsen. *Hot Art: A Re-examination of the Illegal Trade in Cultural Objects*. 12 Journal of Arts Management and Law 5-31 (Fall 1982) (reprinted in essentially the same form in 1983 Quaderni di Scienze Criminale 151-88 (1983)).
- Merryman, John Henry. *International Art Law: From Cultural Nationalism to a Common Cultural Heritage*. 15 New York University Journal of International Law and Politics 757-63 (1983) (introduction to Symposium on International Art Law).
- Merryman, John Henry. *Thinking about the Elgin Marbles*. 83 Michigan Law Review 1880-1923 (1985).
- Merryman, John Henry. *Trading in Art: Cultural Na-*

- tionalism vs. Internationalism*. 18 *Stanford Lawyer* 24-25 (1983-1984).
- Merryman, John Henry. *Two Ways of Thinking About Cultural Property*. 80 *American Journal of International Law* 831-53 (1986).
- Nafziger, James A. R. *An Anthro-Apology for Managing the International Flow of Cultural Property*. 4 *Houston Journal of International Law* 189-201 (1982).
- Nafziger, James A. R. *Comments on the Relevance of Law and Culture to Cultural Property Law*. 10 *Syracuse Journal of International Law and Commerce* 323-32 (1983) (Symposium on Jurisdictional Issues in the International Movement of Cultural Property).
- Nafziger, James A. R. *Controlling the Northward Flow of Mexican Antiquities*. 7 *Lawyer of the Americas* 68-80 (1975).
- Nafziger, James A. R. *International Penal Aspects of Protecting Cultural Property*. 19 *International Lawyer* 835-52 (1985).
- Nafziger, James A. R. *The New International Legal Framework for the Return, Restitution or Forfeiture of Cultural Property*. 15 *New York University Journal of International Law and Politics* 789-812 (1983) (Symposium on International Art Law).
- Nafziger, James A. R. *Protection of Cultural Property*. 17 *California Western International Law Journal* 283-89 (1987) (Conference on the Law and the Arts).
- Nafziger, James A. R. *Repose Legislation: A Threat to the Protection of the World's Cultural Heritage*. 17 *California Western International Law Journal* 250-65 (1987) (Conference on the Law and the Arts).
- Nafziger, James A. R. *UNESCO-Centered Management of International Conflict over Cultural Property*. 27 *Hastings Law Journal* 1051-67 (1976) (Symposium on Art and the Law).
- Nahlik, Stanislaw E. *International Law and the Protection of Cultural Property in Armed Conflicts*. 27 *Hastings Law Journal* 1069-87 (1976) (Symposium on Art and the Law).
- Nass, Herbert E. *Jeanneret v. Vichey: Evaporating the*

- Cloud*. 15 New York University Journal of International Law and Politics 999-1019 (1983).
- Nieć, Halina. *Legislative Models of Protection of Cultural Property*. 27 Hastings Law Journal 1089-1122 (1976) (Symposium on Art and the Law).
- Nott, Susan M. *Title to Illegally Exported Items of Historic or Artistic Worth*. 33 International and Comparative Law Quarterly 203-07 (1984) (how competing claims to illegally exported items are handled in English courts).
- Nowell, George W. *American Tools to Control the Illegal Movement of Foreign Origin Archaeological Materials: Criminal and Civil Approaches*. 6 Syracuse Journal of International Law and Commerce 77-110 (1978).
- O'Keefe, P. J. *Export and Import Controls on Movement of the Cultural Heritage: Problems at the National Level*. 10 Syracuse Journal of International Law and Commerce 352-70 (1983) (Symposium on Jurisdictional Issues in the International Movement of Cultural Property).
- †Olsen, Margaret. *Tariff Classification: Classifying Works of Art for Purposes of Customs Duty*. 26 New York Law School Law Review 631-41 (1981) (Symposium on International Trade).
- †O'Neill, Joan. "Even in Death, Hitler 'Lives'." 4 Environmental Law 463-78 (1974).
- †Ostenberg, Helen L. *International Law in Domestic Forums: The State of the Art — Kunstsammlungen zu Weimar v. Elicofon*. 9 Brooklyn Journal of International Law 179-98 (1983).
- †Pearlstein, William. *Jeanneret v. Vichey: Sales of Illegally Exported Art under the Uniform Commercial Code*. 6 Northwestern Journal of International Law and Business 275-319 (1984).
- †Persick, Lawrence J. *The Continuing Development of United States Policy Concerning the International Movement of Cultural Property*. 4 Dickinson Journal of International Law 89-118 (1985).
- Proceedings of the Panel on the U.S. Enabling Legislation of the UNESCO Convention on the Means of*

- Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 4 Syracuse Journal of International Law and Commerce 97-139 (1976) (held in Washington, D.C., Dec. 28, 1975, under the joint sponsorship of the Association of American Law Schools Section on Law and the Arts and the American Society of International Law. Panelists: Leonard D. DuBoff, James A. R. Nafziger, Andre Emmerich, Mark B. Feldman, James McAlee, and Paul M. Bator. Symposium on Legal Aspects of the International Traffic in Stolen Art).
- Prott, Lyndel V. *International Control of Illicit Movement of the Cultural Heritage: The 1970 UNESCO Convention and Some Possible Alternatives*. 10 Syracuse Journal of International Law and Commerce 333-51 (1983) (Symposium on Jurisdictional Issues in the International Movement of Cultural Property).
- Prott, Lyndel V. *International Penal Aspects of Cultural Protection Law*. 7 Criminal Law Journal 207-17 (1983).
- †Prunty, Ann P. *Toward Establishing an International Tribunal for the Settlement of Cultural Property Disputes: How to Keep Greece from Losing Its Marbles*. 72 Georgetown Law Journal 1155-82 (1984).
- Rosecrance, Barbara B. *Harmonious Meeting: The McClain Decision and the Cultural Property Implementation Act*. 19 Cornell International Law Journal 311-46 (1986).
- †Sayre, C. Franklin. *Cultural Property Laws in India and Japan*. 33 University of California, Los Angeles Law Review 851-90 (1986).
- †Schiller, S. David. *Criminal Law — Theft of Artifacts — Once a Nation Declares Ownership of an Artifact, an Illegally Exported Artifact Can Be Considered Stolen under the National Stolen Property Act*. 17 Virginia Journal of International Law 793-803 (1977).
- Schneider, Eric C. *Plunder or Excavation?: Observations and Suggestions on the Regulation of Ownership and Trade in the Evidence of Cultural*

- Patrimony*. 9 Syracuse Journal of International Law and Commerce 1-19 (1982).
- Shallcross, Douglas B. and Anne G. Giesecke. *Recent Developments in Litigation Concerning the Recovery of Historic Shipwrecks*. 10 Syracuse Journal of International Law and Commerce 371-404 (1983) (Symposium on Jurisdictional Issues in the International Movement of Cultural Property).
- †Shanabarger, Jeffrey L. *Struggling Against the Tide: United States Participation in Efforts to Curtail the Illicit Flow of Cultural Properties*. 4 New York Law School Journal of International and Comparative Law 157-86 (1982) (Symposium on New World Information Order).
- †Strahl, Rochelle. *The Retention and Retrieval of Art and Antiquities through International and National Means: The Tug of War over Cultural Property*. 5 Brooklyn Journal of International Law 103-28 (1979).
- Truslow, Frederic J. *Peru's Recovery of Cultural Patrimony*. 15 New York University Journal of International Law and Politics 839-56 (1983) (Symposium on International Art Law).
- †Upton, Richard. *Art Theft: National Stolen Property Act Applied to Nationalized Mexican Pre-Columbian Artifacts*. 10 New York University Journal of International Law and Politics 569-611 (1978).
- †Walters, Susan J. *Art Law, Protection of Foreign Antiquities Using Domestic Statutes: United States v. McClain*, 545 F.2d 988 (5th Cir. 1977). 10 Connecticut Law Review 727-36 (1978).
- Williams, Sharon A. *The Protection of the Canadian Cultural Heritage: The Cultural Property Export and Import Act*. 14 Canadian Yearbook of International Law 292-306 (1976).
- Wolf, Cyd B. *Emerging United States Policy with Regard to the International Movement of National Cultural Property*. 7 International Trade Law Journal 166-76 (1981-1982).
- †Yapko, Brian A. *The Evolution of American Attitudes and Laws Regarding Ethnic Art and Artifacts: From Cultural Imperialism to Cultural Pluralism*. 9

Loyola of Los Angeles International and Comparative Law Journal 621-59 (1987).

†Zerbe, Rodney M. *Immunity from Seizure for Art-works on Loan to United States Museums*. 6 Northwestern Journal of International Law and Business 1121-45 (1984-1985).

O. Legislation

†Akst, Leslie Kaufman. *Regulation of the New York Art Market: Has the Legislature Painted Dealers into a Corner?* 46 Fordham Law Review 939-62 (1978).

Cornwell, Terri Lynn. *Congressional Arts Caucus Legislative Summary 99th Congress*. 17 Journal of Arts Management and Law 37-46 (Spring 1987).

Goetzl, Thomas M. *California Art Law Goes Federal*. 6 San Francisco Barrister 8-10 (May 1987).

Jordan, Lawrence R. *Significant Arts Legislation in Michigan*. 65 Michigan Bar Journal 1094-95 (1986).

Perwin, Jean S. *Protection of Art and Artists in Florida: A Proposal for Legislative Action*. 60 Florida Bar Journal 67-69 (Oct. 1986).

Thomas, Mark S. *North Carolina Art Law*. 34 North Carolina State Bar Quarterly 19 (Winter 1987).

P. Moral Rights

Amarnick, Phyllis. *American Recognition of the Moral Right: Issues and Options*. 29 Copyright Law Symposium (American Society of Composers, Authors, and Publishers) 31-81 (1983) (National Second Prize, 1979 Nathan Burkan Memorial Competition).

Bostron, Catherine and Henry V. Barry. *New York and California Statutes Recognize Artists' Rights, Part I*. New York Law Journal, Mar. 9, 1984, at 5, col. 3.

Bostron, Catherine and Henry V. Barry. *New York and California's "Moral Rights" Statutes, Part II*. New York Law Journal, Mar. 16, 1984, at 5, col. 1.

Cernik, Christopher and Feuer, Wendy E. *Artists Have Rights, Too*. The National Law Journal, Aug. 16, 1982, at 13, col. 1.

†Chan, Debora Ann. *The California Art Preservation Act: A Safe Hamlet for "Moral Rights" in the U.S.* 14

- University of California, Davis Law Review 975-1000 (1981) (an earlier version of this article was awarded first place in the 1980 Nathan Burkan Memorial Competition at U.C. Davis).
- Colas, E. *Le Droit Moral de l'Artiste sur Son Oeuvre*. 59 Canadian Bar Review 521-48 (1981).
- Copyright — Artist's Rights in Production after Sale — "Moral Right" to Prevent Destruction. 4 Vanderbilt Law Review 180-82 (1950).
- Damich, Edward J. *The New York Artists' Authorship Rights Act: A Comparative Critique*. 84 Columbia Law Review 1733-56 (1984).
- DaSilva, Russell J. *Droit Moral and the Amoral Copyright: A Comparison of Artists' Rights in France and the United States*. 28 Bulletin of the Copyright Society of the U.S.A. 1-58 (1980).
- Davis, Sophia. *State Moral Rights Law and the Federal Copyright System*. 4 Cardozo Arts and Entertainment Law Journal 233-59 (1985).
- Devlin, Raymond J., Jr. *Moral Right in the United States*. 35 Connecticut Bar Journal 509-16 (1961).
- Diamond, Sidney A. *Legal Protection for the "Moral Rights" of Authors and Other Creators*. 68 Trade-mark Reporter 244-81 (1978).
- Engdahl, Jane. *Moral Rights in State Statutes: A Comparison of the California Art Preservation Act and the New York Artists' Authorship Rights Act*. 34 Copyright Law Symposium (ASCAP) 203-46 (1987).
- Francione, G. L. *The California Art Preservation Act and Federal Preemption by the 1976 Copyright Act — Equivalence and Actual Conflict*. 18 California Western Law Review 189-217 (1982) (this article was awarded first prize at the University of Virginia School of Law in the 1981 Nathan Burkan Memorial Competition; it was awarded fourth place in the 1981 National Nathan Burkan Competition and was published in 31 Copyright Law Symposium 105-43 (1984)).
- Francon, André and Jane C. Ginsburg. *Authors' Rights in France: The Moral Right of the Creator of a Commissioned Work to Compel the Commissioning*

- Party to Complete the Work.* 9 Columbia — VLA Journal of Law & the Arts 381-406 (1985).
- Gabay, Mayer. *The United States Copyright System and the Berne Convention.* 26 Bulletin of the Copyright Society of the U.S.A. 202-20 (1979).
- Gantz, Karen. *Protecting Artists' Moral Rights: A Critique of the California Art Preservation Act as a Model for Statutory Reform.* 49 George Washington Law Review 873-901 (1981).
- Gordon, Steven. *New York's Artists' Authorship Rights Act and Commercial Artists.* New York Law Journal, Mar. 23, 1984, at 5, col. 3.
- †Grant, Donald. *The Doctrine of Droit Moral: Its Place in American Copyright Law.* 16 Howard Law Journal 539-52 (1971).
- Hathaway, Robert E., II. *American Law Analogues to the Paternity Element of the Doctrine of Moral Right: Is the Creative Artist in America Really Protected?* 30 Copyright Law Symposium (American Society of Composers, Authors, and Publishers) 121-55 (1983) (National Fourth Prize, 1980 Nathan Burkan Memorial Competition).
- Hauhart, Robert C. *Natural Law Basis for the Copyright Doctrine of Droit Moral.* 30 Catholic Lawyer 53-69 (1985).
- Hoffman, Barbara. *The California Art Preservation Act.* 5 Columbia — VLA Journal of Law & the Arts 53-59 (1980).
- †Jacobson, Richard. *The Question of Berne Entry for the United States.* 11 Case Western Reserve Journal of International Law 421-44 (1979) (this paper won first place in the Case Western Reserve University School of Law 1978 Nathan Burkan Memorial Competition. Deals in part with the moral right).
- Kelley, Charles E. *Rights of Authors and Artists Outside the Copyright Law.* 5 Cornell Law Quarterly 48-57 (1919).
- Koven, Vance R. *Observations on the Massachusetts Art Preservation Act.* 71 Massachusetts Law Review 101-08 (1986).

- Krasno, Miriam R. *Life Beyond Copyright*. 7 Update On Law-Related Education 22-25, 51-52 (Winter 1983).
- Krigsman, Flore. *Section 43(a) of the Lanham Act as a Defender of Artists' "Moral Rights."* 73 Trademark Reporter 251-75 (1983).
- Kwall, Roberta Rosenthal. *Copyright and the Moral Right: Is an American Marriage Possible?* 38 Vanderbilt Law Review 1-100 (1985).
- †Lee, Mary A. *Moral Right Doctrine: Protection of the Artist's Interest in His Creation After Sale, A Proposal*. 2 Alabama Law Review 267-81 (1950).
- †Longmuir, Shelley A. *The Americanization of Droit Moral in the California Art Preservation Act*. 15 New York University Journal of International Law and Politics 901-52 (1983) (text of the law is reprinted in an appendix).
- Lubic, Douglas Watson. *New York Artists' Authorship Rights Act Incorporates European Moral Right Doctrine*. 8 Fordham International Law Journal 362-95 (1984-1985).
- †Luke, Margaret. *The Author's Expression: The Necessity for U.S. Protection Through Statute and Multilateral Treaty*. 9 Syracuse Journal of International Law and Commerce 137-62 (1982).
- Marcus, Eric. *The Moral Right of the Artist in Germany*. 25 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 93-120 (1980) (National Third Prize, 1975 Nathan Burkan Memorial Competition).
- Maslow, James E. *Droit Moral and Sections 43(a) and 44(i) of the Lanham Act: A Judicial Shell Game?* 48 George Washington Law Review 377-91 (1980).
- †McDonough, Brian. *The California Art Preservation Act: Statutory Protection of Art Work Against Intentional Alteration or Destruction*. 49 University of Cincinnati Law Review 486-94 (1980).
- †McNabb, Charlie F. *Moral Right and the American Court*. 13 Houston Law Review 781-88 (1976).
- Merryman, John Henry. *The Refrigerator of Bernard*

- Buffet*. 27 *Hastings Law Journal* 1023-49 (1976) (Symposium on Art and Law).
- †Perkins, C. H. *Literary Property — Artist's Right to Prevent Destruction of His Work after Sale*. 1951 *Washington University Law Quarterly* 124-31 (1951).
- Petrovich, John G. *Artists' Statutory Droit Moral in California: A Critical Appraisal*. 15 *Loyola of Los Angeles Law Review* 29-68 (1981).
- Plaisant, Robert. *Droit de Suite and Droit Moral under the Berne Convention*. 11 *Columbia — VLA Journal of Law & the Arts* 157-64 (1986) (a paper presented at a Conference to Celebrate the Centenary of the Berne Convention, 1886-1986, held at Stationers' Hall, London, Apr. 17-18, 1986. Sponsored by The Intellectual Property Unit of the Centre for Commercial Law Studies within the Faculty of Laws at Queen Mary College, London, and The British Literary and Artistic Copyright Association).
- †Rabin, Susan. *Moral Rights and the Realistic Limits of Artistic Control*. 14 *Golden Gate University Law Review* 447-68 (1984).
- Reeves, Van Kirk, Ronald G. Bauer, and Stephane Lieser. *Retained Rights of Authors, Artists, and Composers under French Law on Literary and Artistic Property*. 14 *Journal of Arts Management and Law* 7-30 (Winter 1985).
- †*Right to Alter Drawings by Owner of Copyright*. 70 *Solicitors' Journal and Weekly Reporter* 555 (1926).
- Roeder, Martin A. *The Doctrine of Moral Right: A Study in the Law of Artists, Authors and Creators*. 53 *Harvard Law Review* 554-78 (1940).
- Rosen, Dan. *Artists' Moral Rights: A European Evolution, an American Revolution*. 2 *Cardozo Arts and Entertainment Law Journal* 155-88 (1983).
- Scott, Pamela C. and Wendy H. Cohen. *An Introduction to the New York Artists' Authorship Rights Act*. 8 *Columbia — VLA Journal of Law & the Arts* 369-402 (1984).
- †Smith, Sarah Ann. *The New York Artists' Authorship Rights Act: Increased Protection and Enhanced Sta-*

tus for Visual Artists. 70 Cornell Law Review 158-81 (1984).

†Strassfeld, Gail Sara. *Artworks and American Law: The California Art Preservation Act*. 61 Boston University Law Review 1201-43 (1981).

Taubman, Joseph. *New York Artists' Authorship Rights Act of 1983: Waiver and Fair Use*. 3 Cardozo Art and Entertainment Law Journal 113-23 (1984).

Tondro, Terry J. *The Copyright Act as Governmental Policy*. 13 Journal of Arts Management and Law 149-57 (Spring 1983).

†*Toward Artistic Integrity: Implementing Moral Right through Extension of Existing American Legal Doctrines*. 60 Georgetown Law Journal 1539-62 (1972).

Vaver, David. *Snow v. Eaton Centre: Wreaths on Sculpture Prove Accolade for Artists' Moral Rights*. 8 The Canadian Business Law Journal 81-100 (1983).

Verbit, Larry E. *Moral Rights and Section 43(a) of the Lanham Act: Oasis or Illusion?* 9 COMM/ENT, Hastings Journal of Communications and Entertainment Law 383-421 (1987).

Q. Museums

†Blair, Bowen. *Indian Rights: Native American Versus American Museums: A Battle for Artifacts*. 7 American Indian Law Review 125-54 (1979).

Bostwick, William A. *The Diverse Funding and Legal Problems of Art Museums*. 10 Connecticut Law Review 550-61 (1978) (Symposium on Nonprofit Art Institutions).

Brezzo, Steven. *The Impact of Legal Fees on Cultural Institutions*. 17 California Western International Law Journal 280-82 (1987) (Conference on the Law and the Arts).

Gerstenblith, Patty. *The Fiduciary Duties of Museum Trustees*. 8 Columbia — VLA Journal of Law & the Arts 175-206 (1983).

Hawkins, Ashton. *The Euphronios Krater at the Metropolitan Museum: A Question of Provenance*. 27 Hastings Law Journal 1163-81 (1976) (Symposium on Art and the Law).

- Hodes, Scott and Gross, Karen. *Museums in the Commercial Marketplace: The Need for Licensing Agreements*. 10 Connecticut Law Review 620-37 (1978) (Symposium on Nonprofit Arts Institutions. Appendix includes Model Museum Licensing Agreement).
- Katz, Steven L. *Museum Trusteeship: The Fiduciary Ethic Applied*. 16 Journal of Arts Management and Law 57-77 (Winter 1987).
- Liles, Kenneth H. and Stephen E. Roth. *The Unrelated Business Income Problems of Art Museums*. 10 Connecticut Law Review 638-52 (1978) (Symposium on Nonprofit Art Institutions).
- Loar, Peggy and Theodore Sky. *General Operating Support for Museums: Problems in Paradise*. 7 Journal of College and University Law 267-96 (1980-1981).
- Marsh, Gordon H. *Governance of Non-Profit Organizations: An Appropriate Standard of Conduct for Trustees of Museums and Other Cultural Institutions*. 85 Dickinson Law Review 607-27 (1981) (Symposium on Law and the Arts).
- Myers, John H. and Robert H. Myers, Jr. *How Art-Oriented Exempt Organizations Can Skirt the Unrelated Business Income Tax*. 49 Journal of Taxation 150-55 (1978).
- Pfeffer, Irving. *Insuring Museum Exhibitions*. 27 Hastings Law Journal 1123-62 (1976) (Symposium on Art and the Law).
- Rodriguez, Edward J. *Federal Tax Exemption Status of the Private Nonprofit Art Association*. 10 Connecticut Law Review 653-65 (1978) (Symposium on Nonprofit Art Institutions).
- Teichman, Judith L. *Whatever Do Museum Lawyers Do?* 6 San Francisco Barrister 26-28 (May 1987).
- Teichman, Judith L. *Problems Facing Museums and the Law*. 17 California Western International Law Journal 290-305 (1987) (Conference on the Law and the Arts. Includes question and answer session which followed presentations).
- †Weaver, Debra S. *A New Slant on Deaccessioning: The Norton Simon Case*. 6 Columbia — VLA Journal of Law & the Arts 51-53 (1981).

Weil, Stephen E. *Breaches of Trust, Remedies, and Standards in the American Private Art Museum*. 1983 *Quaderni di Scienze Criminale* 245-76 (1983) (title of issue: The Penal Protection of Works of Art).

R. Practice of Law

Appleson, Gail. *Attorney Groups Aid Artists in Their Brushes with the Legal System*. 67 *American Bar Association Journal* 1251-52 (1981).

Easter, Leonard D. and John M. Kernochan. *The Columbia-VLA Art Law Clinic: A New Kind of Law School Clinic*. 7 *Columbia — VLA Journal of Law & the Arts* 53-82 (1982).

Engler, Teri. *Lawyers for the Creative Arts*. 7 *Update on Law Related Education* 50-51 (Winter 1983).

Flaherty, Francis J. *Art Law: Novel Legal Initiatives Are Changing the Practice of an Unusual Specialty*. *National Law Journal*, Sept. 3, 1984, at 1, col. 1.

Hogue, Caroline J. *Art Doesn't Always Imitate Law*. 14 *Student Lawyer* 41-42 (Apr. 1986).

Pick, Grant. *Artists Need Lawyers, Too*. 10 *Student Lawyer* 16-22 (Sept. 1981).

Robinson, Alma. *Dispute Resolution for the Arts Community*. 11 *Columbia — VLA Journal of Law & the Arts* 333-45 (1987) (this article describes a dispute resolution service offered to artists by the Bay Area Lawyers for the Arts (BALA)).

Robinson, Alma. *Dispute Resolution for the Arts Community*. 6 *San Francisco Barrister* 31-35 (May 1, 1987).

S. Prints

†Anderson, Lanie. *Consumer Protection Legislation in the Sale of Original Prints: A Proposal for Michigan*. 57 *University of Detroit Journal of Urban Law* 55-93 (1979).

Cahn, Joshua Binion. *What Is an Original Print?* 37 *New York State Bar Journal* 546-53 (1965).

Duffy, Robert E., Jr. *Disclosure Requirements in Connection with the Sale of Fine Art Prints*. 48 *California State Bar Journal* 528-34, 605-09 (Sept.-Oct. 1973).

Hobart, Susan. *A Giant Step Forward: New York Leg-*

isolation on Sales of Fine Art Multiples. 7 Columbia — VLA Journal of Law & the Arts 261-80 (1983).

Itzkoff, Norman Jay. *An Analysis of State's New Visual Art Multiples Law*. New York Law Journal, May 10, 1982, at 1, col. 2.

†Pollock, Phillip R. *Art Print Legislation in California: A Critical Review*. 25 Stanford Law Review 586-604 (1973).

T. Resale Proceeds Right

Ashley, Stephen S. *Critical Comment on California's Droit de Suite, Civil Code Section 986*. 29 Hastings Law Journal 249-60 (1977).

†Boe, Kathryn L. *The Droit de Suite Has Arrived: Can It Thrive in California as It Has in Calais?* 11 Creighton Law Review 529-62 (1977).

Bolch, Ben W., William W. Damon, and C. Elton Hinshaw. *An Economic Analysis of the California Art Royalty Statute*. 10 Connecticut Law Review 689-701 (1978) (Symposium on Nonprofit Art Institutions).

Boyers, Sara Jane. *Protection for the Artist: The Alternatives*. 21 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 124-64 (1974) (National Fifth Prize, 1971 Nathan Burkan Memorial Competition).

Camp, Tom R. *Art Resale Rights and the Art Resale Market: An Empirical Study*. 28 Bulletin of the Copyright Society of the U.S.A 146-83 (1980) (this article was awarded first prize in the 1979 Nathan Burkan Memorial Competition at Stanford University Law School).

†Clarke, Jennifer R. *The California Resale Royalties Act as a Test Case for Preemption under the 1976 Copyright Law*. 81 Columbia Law Review 1315-32 (1981).

Duffy, Robert E. *Royalties for Visual Artists*. 11 Journal of the Beverly Hills Bar Association 27-36 (Jan.-Feb. 1977) (also published in 7 Performing Arts Review 560-82 (1977)).

†Emley, Sharon J. *Resale Royalties Act: Paintings, Pre-*

- emption and Profit*. 8 Golden Gate University Law Review 239-61 (1978).
- †Glucksman, Carol P. *Art Resale Royalties: Symbolic or Economic Relief for the Fine Artist*. 1 Cardozo Arts and Entertainment Law Journal 115-36 (1982).
- †Hauser, Rita E. *The French Droit de Suite: The Problem of Protection for the Underprivileged Artist under the Copyright Law*. 6 Bulletin of the Copyright Society of the U.S.A. 94-113 (1959) (also published in 11 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 1-27 (1962)).
- Heathcote, Nancy D. *Artists' Rights to Proceeds on Resale of Fine Art*. 65 Michigan Bar Journal 1108-11 (1986).
- Hepp, Francois. *Royalties from Works of the Fine Arts: Origin of the Concept of Droit de Suite in Copyright Law*. 6 Bulletin of the Copyright Society of the U.S.A. 91-94 (1959).
- Hoffman, Barbara. *Resale Royalties Act Constitutional: The Morseburg Case*. 6 Columbia — VLA Journal of Law & the Arts 23 (1980).
- Jones, Bob. *Morseburg v. Balyon — the High Court Grants Royalty a Reprieve: Constitutional Challenges to the California Resale Royalties Act*. 3 COMM/ENT, Hastings Journal of Communications and Entertainment Law 1-23 (1980).
- Katz, Gordon P. *Copyright Preemption under the Copyright Act of 1976: The Case of Droit de Suite*. 47 George Washington Law Review 200-22 (1978) (also published in 18 Publishing, Entertainment, Advertising and Allied Fields Law Quarterly 283-310 (1980)).
- †Lashnits, Nancy M. *The Validity of the California Droit de Suite under Preemption Principles*. 11 Golden Gate University Law Review 349-60 (1981).
- McFarlane, Gavin. *The Case of the Droit de Suite*. 132 New Law Journal 146-47 (1982).
- McInerney, John E. III. *California Resale Royalties Act: Private Sector Enforcement*. 19 University of San Francisco Law Review 1-25 (1984).
- Plaisant, Robert. *Droit de Suite and Droit Moral under*

the Berne Convention. 11 Columbia — VLA Journal of Law & the Arts 157-64 (1986) (a paper presented at a Conference to Celebrate the Centenary of the Berne Convention, 1886-1986, held at Stationers' Hall, London, Apr. 17-18, 1986. Sponsored by The Intellectual Property Unit of the Centre for Commercial Law Studies within the Faculty of Laws at Queen Mary College, London, and The British Literary and Artistic Copyright Association).

Schulder, Diane B. *Art Proceeds Act: A Study of the Droit de Suite and a Proposed Enactment for the United States*. 61 Northwestern University Law Review 19-45 (1966).

Sherman, Paul. *Incorporation of the Droit de Suite into United States Copyright Law*. 18 Copyright Law Symposium (American Society of Composers, Artists, and Publishers) 50-91 (1970) (National Second Prize, 1968 Nathan Burkan Memorial Competition).

Solomon, Lewis D. and Linda V. Gill. *Federal and State Resale Royalty Legislation: "What Hath Art Wrought?"* 26 University of California, Los Angeles Law Review 322-59 (1978).

†Straw, Ann Louise. *Proposal for National Uniform Art-Proceeds Legislation*. 53 Indiana Law Journal 129-41 (1977-1978).

†Vickers, Carole M. *The Applicability of the "Droite de Suite" in the United States*. 3 Boston College International and Comparative Law Journal 433-66 (1980).

†Warren, Lynn K. *Droit de Suite: Only Congress Can Grant Royalty Protection for Artists*. 9 Pepperdine Law Review 111-30 (1981).

†Weaver, S. Elizabeth. *Artists' Resale Royalties Legislation: Ohio House Bill 808 and a Proposed Alternative*. 9 University of Toledo Law Review 366-98 (1978).

U. Taxation

Ackerman, Martin S. *The Economics of Tax Policies Affecting Visual Art*. 15 Journal of Arts Management and Law 61-71 (Fall 1985) (paper presented at a conference entitled "What Price Art: Economic Imperfection in Art Market Information," held by the

- Graduate School of Business of New York University in the spring of 1985).
- Anthoine, Robert. *Charitable Contributions after the 1986 Tax Act and Problems in Valuation of Appreciated Property*. 11 Columbia — VLA Journal of Law & the Arts 283-314 (1987).
- Anthoine, Robert. *Deductions for Charitable Contributions of Appreciated Property: The Art World*. 35 Tax Law Review 239-84 (1980).
- Beghe, Renato. *The Artist, the Art Market and the Income Tax*. 29 Tax Law Review 491-524 (1974).
- Caplin, Lee Evan. *Tax-exempt Arts Activities with Commercial Potential: What Role Should Be Played by the National Endowment for the Arts?* 8 Performing Arts Review 425-56 (1978).
- Feld, Alan L. *Artists, Art Collectors and Income Tax*. 60 Boston University Law Review 625-62 (1980).
- Field, Stephen R. *Collectibles as Investments: Artworks and Stamps; Cable Television and Equipment Leasing Tax Shelters*. 39 Institute on Federal Taxation §§ 35.01-35.06 at 35-1-108 (1981) (In Proceedings of the New York University Thirty-Ninth Annual Institute on Federal Taxation. Includes: Art Works and Stamps as Investment Vehicles; Selected Tax Problems Relating to the Ownership of Artwork and Stamps (Qualification as Capital Assets; Deductibility of Losses upon Sale; Deductibility of Expenses; Charitable Gifts; Valuation Problems; Criminal Liability for Inflated Appraisals); Tax Shelters in the Art Field).
- †Flesch, Charles M. *Employed Artists' Home Office Deductions in the Aftermath of Weissman v. Commissioner: The Second Circuit's New Limited Exception for Taxpayer-Employees*. 4 Cardozo Arts and Entertainment Law Journal 337-71 (1985).
- Harris, Richard E. *Ways and Means Subcommittee Approaches IRS's Challenges to Overvalued Art Deductions*. 31 Tax Notes 966-67 (1986).
- Histrop, Lindsay Ann. *Taxation of Canadian Resident Athletes and Artists Performing in the United States*. 32 Canadian Tax Journal 1060-83 (1984).

- Horwood, Richard M. *Art and Collectibles: How Recent Developments Affect Tax Planning*. 3 *Journal of Taxation of Investments* 274-77 (1986).
- Horwood, Richard M. *Art and Collectibles: Treatment of Art under New Tax Law*. 4 *Journal of Taxation of Investments* 187-89 (1987).
- Horwood, Richard M. and Burt W. Engleberg. *Art Appreciation and Estate Planning — Blending Art and Tax Benefits: Part II*. 4 *The Review of Taxation of Individuals* 310-31 (1980).
- Horwood, Richard M. and Burt W. Engleberg. *Art Appreciation and Form 1040 — Blending Art and Tax Benefits: Part I*. 4 *The Review of Taxation of Individuals* 195-213 (1980).
- Lawton, A. Douglas. *Finance Act — The Arts*. 119 *New Law Journal* 874-75 (1969).
- Lerner, Ralph E. *Final Sec. 2055(e)(4) Regs May Result in Loss of Charity Deduction for Artist's Estate*. 62 *Journal of Taxation* 300-02 (1985).
- Levun, Charles R. *Charitable Contributions of Works of Art and Other Property: An Analysis of Federal Income Tax Considerations*. 17 *Law Notes for the General Practitioner* 119-24 (1981).
- McCarthy, Jeffrey C. *Federal Income Taxation of Fine Art*. 2 *Cardozo Arts and Entertainment Law Journal* 1-67 (1983).
- Moll, Charles J., III. *New Deduction Rules Affecting Art, Entertainment and Sports*. 6 *San Francisco Barrister* 18-21 (May 1987).
- Rhodes, Anne-Marie. *The Medium of Payment: An Option in Estate Tax Reform*. 57 *Notre Dame Law Review* 285-312 (1981).
- Schlenger, Jacques T., Robert E. Madden and William G. Murray. *Tax Court Applies Blockage Discount to Gifts of Art Work: Calder*. 85 *T.C.* 713 (1985), 13 *Estate Planning* 175-77 (1986).
- Skindrud, Michael E. *Recognition under Section 501(c)(3) of the Internal Revenue Code as a Prerequisite to Arts Grants: A Special Problem for Literary*

- Publishers and Art Galleries*. 26 Cleveland State Law Review 529-46 (1977) (Symposium on Art and Law).
- Speiller, William M. *The Favored Tax Treatment of Purchasers of Art*. 80 Columbia Law Review 214-66 (1980).
- †*Tax Treatment of Artists' Charitable Contributions*. 89 Yale Law Journal 144-67 (1979).
- Teitell, Conrad. *Deductions for African Art*. New York Law Journal, Mar. 17, 1986, at 1, col. 1.
- Teitell, Conrad. *Gifts of Art*. 122 Trusts and Estates 56-57 (Jan. 1983).
- Weithorn, Stanley S. *Utilization of a New Declaratory Judgment Procedure by Organizations Dedicated— to Advancement of the Arts*. 10 Connecticut Law Review 666-88 (1978) (Symposium on Nonprofit Arts Institutions).
- Your Word Against Mine: Expert Testimony in the Valuation of Fine Art*. 5 Columbia — VLA Journal of Law & the Arts 69-70 (1980).

V. Theft

- †Burks, Sylvia K. *Kunstsammlungen zu Weimar v. Elicofon: Theft of Priceless Art Treasures Gives Rise to Protracted International Legal Battle*. 19 Texas International Law Journal 189-212 (1984).
- Feldman, Franklin and Bonnie Burnham. *An Art Theft Archive: Principles and Realization*. 10 Connecticut Law Review 702-26 (1978) (Symposium on Nonprofit Arts Institutions).
- †Houseman, Lee Ann. *Current Practices and Problems in Combatting Illegality in the Art Market*. 12 Seton Hall Law Review 506-67 (1982).
- †Killelea, Kent L. *Property Law: International Stolen Art — Kunstsammlungen zu Weimar v. Elicofon*. 678 F.2d 1150 (2d Cir. 1982). 23 Harvard International Law Journal 466-72 (1983).
- †Petrovich, John G. *The Recovery of Stolen Art: Of Paintings, Statues, and Statutes of Limitations*. 27 University of California, Los Angeles Law Review 1122-58 (1980).
- Ward, Nicholas D. *The Georgia Grind — Can the Com-*

mon Law Accommodate the Problems of Title in the Art World, Observations on a Recent Case. 8 *Journal of College and University Law* 533-61 (1981-1982).

†Wertheimer, Laura. *The Implications of the O'Keefe Case.* 6 *Columbia — VLA Journal of Law & the Arts* 44-48 (1981).

W. Valuation

See also: Taxation

Homer, Debra B. *Fine Art Appraisers: The Art, the Craft and the Legal Design, Proposed Model Fine Art Appraiser Act.* 8 *Columbia — VLA Journal of Law & the Arts* 457-511 (1984) (appendix contains Proposed Model Fine Art Appraiser Act).

Melevin, Tim L. *Valuation of Charitable Contributions of Works of Art.* 60 *Taxes* 756-62 (1982).

O'Connell, Maurice F. *Defending Art Valuations for Tax Purposes.* 115 *Trusts and Estates* 604-07 (1976).

